

STATE OF WISCONSIN
Assembly Journal
Eighty-Eighth Regular Session

THURSDAY, May 5, 1988

The chief clerk makes the following entries under the above date:

ADMINISTRATIVE RULES

Read and referred:

Assembly Clearinghouse Rule 87-92

Relating to poultry disease control.

Submitted by Department of Agriculture, Trade and Consumer Protection.

To committee on Agriculture.

Referred on May 5, 1988.

Assembly Clearinghouse Rule 87-105

Relating to program approval for schools of nursing.

Submitted by Department of Regulation and Licensing.

To committee on Commerce and Consumer Affairs.

Referred on May 5, 1988.

Assembly Clearinghouse Rule 87-160

Relating to Canada goose hunting.

Submitted by Department of Natural Resources.

To committee on Tourism, Recreation and Forest Productivity.

Referred on May 5, 1988.

Assembly Clearinghouse Rule 88-13

Relating to examination fees.

Submitted by Department of Regulation and Licensing.

To committee on Commerce and Consumer Affairs.

Referred on May 5, 1988.

VETO REFERRALS

Assembly Bill 24

Relating to employment relations for members of the university of Wisconsin system academic staff.

By Representatives Gruszynski, Neubauer, Hauke, Travis, Looby, Roberts, Larson, Carpenter, Grobschmidt, Potter, Hasenohrl, Medinger, Becker, Seery, S. Coggs, Bock, Fergus, Bell, Vanderperren, Loftus, Boyle, Linton, Van Dreel, Williams, Thompson, Barca, Gronemus, Mark Lewis, Antaramian, M. Coggs, Schmidt, Shoemaker, Hubler and Berndt, cosponsored by Senators Helbach, Czarnecki, Strohl, Risser, Feingold, Moen, Plewa, Andrea, Kincaid, Van Sistine, Harsdorf, Chvala, Norquist, Jauch and Te Winkle.

To committee on Rules.

Assembly Bill 99

Relating to the collection and publication of information about hazardous chemical substances, granting rule-making authority and providing penalties.

By Representatives Clarenbach, Wineke, Bell, Becker, Magnuson, Black, Barrett, Grobschmidt, Bock, Fortis, Notestein, Van Dreel, Barca, Seery, Neubauer, Looby, Hamilton, Zweck, Young, Carpenter, Williams, Roberts, Volk, Krug, Travis, Kunicki, M. Coggs, Boyle and Linton, cosponsored by Senators Czarnecki, Feingold, Jauch, Plewa, Andrea, Norquist, Strohl and Ulichny.

To committee on Rules.

Assembly Bill 160

Relating to remedies for failure to notify of cessation of business operations.

By Representatives Carpenter, Looby, Clarenbach, Seery, Krusick, Hauke, Bolle, Becker, Grobschmidt, Linton, Hamilton, Gruszynski, M. Coggs, S. Coggs, Barrett, Notestein, Young, Williams, Krug, Black, Bell and Gronemus, cosponsored by Senators Van Sistine, Czarnecki, Andrea and Feingold.

To committee on Rules.

Assembly Bill 184

Relating to changing the participation requirements for the Wisconsin retirement system.

By Representatives Volk, Ladwig, Hasenohrl, Shoemaker, Hamilton and Van Dreel, cosponsored by Senator Jauch.

To committee on Rules.

Assembly Bill 190

Relating to restitution and making an appropriation.

By Representatives Rutkowski, Krusick, Young, Schober, Schneiders, Notestein and Ladwig, cosponsored by Senators Adelman, Lee, Ulichny, Chvala, Rude, Andrea, Lorman and Feingold, by request of Judicial Council and Attorney General Donald Hanaway.

To committee on Rules.

Assembly Bill 195

Relating to creating a boat titling program, making appropriations, granting rule-making authority and providing penalties.

By Representatives Black, Neubauer, Volk, Margaret Lewis, Grobschmidt, Notestein and Bell, cosponsored by Senators Strohl, Moen, Chilsen and Lee.

To committee on Rules.

Assembly Bill 247

Relating to employer testing of employes for the presence of controlled substances and granting rule-making authority.

By Representatives Rosenzweig, Kunicki, Prosser, Grobschmidt, Robinson, Merkt, Schneiders, Carpenter, Becker, Ourada, Williams, Vergeront, Farrow, Buettner, Porter and Zeuske, cosponsored by Senators Rude, Jauch and Andrea.

To committee on Rules.

Assembly Bill 261

Relating to actions and judgments involving certain persons providing child care services.

By Legislative Council.

To committee on Rules.

Assembly Bill 272

Relating to cremation of corpses.

By Representatives Holschbach, Williams, Porter, Hasenohrl, Seery, Zeuske, Radtke, Van Dreel, Goetsch, Vergeront, Mark Lewis and Deininger, cosponsored by Senators Te Winkle, Van Sistine and Lasee.

To committee on Rules.

Assembly Bill 324

Relating to prohibiting honesty testing in employment.

By Representatives Looby, Barrett, Robinson, Young, Clarenbach, Seery, Gruszynski, Grobschmidt and Black, cosponsored by Senators Chvala, Andrea and Lasee.

To committee on Rules.

Assembly Bill 499

Relating to creating a Yahara watershed management district, authorizing a tax and granting rule-making authority.

By Representatives Clarenbach, Wineke and Radtke, cosponsored by Senators Chvala and Risser, by request of the Committee on the Management of the Yahara Watershed.

To committee on Rules.

Assembly Bill 514

Relating to state superintendent of public instruction approval of continuing education programs for persons licensed by the state superintendent and granting rule-making authority.

By Representatives Potter, York, Notestein, Swoboda and Grobschmidt, cosponsored by Senators Czarnecki and Lorman.

To committee on Rules.

Assembly Bill 617

Relating to establishing innovative technology study grants for the purpose of evaluating potential impacts on groundwater quality and making an appropriation.

By Representatives Holperin and Boyle, cosponsored by Senators Jauch and Buettner.

To committee on Rules.

Assembly Bill 621

Relating to public information concerning the purpose and effect of designations to the Wisconsin election campaign fund and making an appropriation.

By Representatives Potter, Carpenter, Barrett, Black, Bock, Seery, Neubauer, Travis, Radtke, Notestein and Van Dreel, cosponsored by Senator Te Winkle.

To committee on Rules.

Assembly Bill 662

Relating to drugs, alcohol, assessment, treatment, education, drug-related homicide, granting rule-making authority and providing penalties.

By Representatives Medinger, Magnuson, Vanderperren, Barca, Gruszynski, Notestein, Bock, Seery, Robson, Bell, Becker, Hamilton, Hasenohrl and Merkt, cosponsored by Senators Chvala and Chilsen.

To committee on Rules.

Assembly Bill 680

Relating to creating a subunit on jails in a subunit of the department of health and social services, program standards for jails and houses of correction, jail officer training, emergency detention of individuals alleged to be mentally ill, drug dependent or developmentally disabled based on information reported by probation and parole agents, mental health commitment standards and procedures for inmates of prisons, jails and houses of correction, supervision of persons under a criminal mental health commitment who are conditionally released, granting rule-making authority and making an appropriation.

By Legislative Council.

To committee on Rules.

Assembly Bill 681

Relating to procedures for bills concerning major economic development financial assistance.

By Representatives Mark Lewis, Schneider, Hauke, Panzer, Fergus, Clarenbach, Fortis, Foti, Medinger, Robinson, Looby, Prosser, Bolle, Shoemaker, Vergeront, Neubauer, Barca, Tesmer, Welch, Krug, Black, Barrett, Radtke, Musser, Volk, Hasenohrl, Boyle, Wineke, Holperin, Becker, Young, Zweck, Seery, Underheim, Thompson, Swoboda, Robson, Larson, Grobschmidt, Zeuske, Hubler, S. Coggs, Hamilton, Magnuson, Paulson, Van Dreel, Antaramian, Rosenzweig, Notestein, Carpenter, Gruszynski and Williams, cosponsored by Senators Ulichny, Strohl, Helbach, Buettner, Lee, Adelman, Van Sistine, Risser, Engeleiter, Chilsen, Norquist, Moen, Andrea, Rude and Te Winkle.

To committee on Rules.

Assembly Bill 689

Relating to increases in salaries of state teachers.

By Representatives Robinson, Barca, Wood, Becker, Gruszynski, Hamilton, Mark Lewis, Robson, Lepak, Musser, Magnuson, Williams, Ourada, Margaret Lewis, Boyle and Schmidt, cosponsored by Senators Kincaid, Strohl, Weeden, Lorman and Cowles.

To committee on Rules.

Assembly Bill 748

Relating to unauthorized use of vehicles, fraudulent claims, junk and salvage vehicles, vehicle identification numbers, vehicle titles, requiring rule making, making an appropriation and providing penalties.

By Representative Rutkowski, cosponsored by Senator Czarnecki.

To committee on Rules.

Assembly Bill 750

Relating to ambulance service in 1st class cities.

By Representatives Barrett, Williams, Notestein, Becker, Kunicki, Bock and Fortis, cosponsored by Senators Lee and Plewa, by request of City of Milwaukee.

To committee on Rules.

Assembly Bill 813

Relating to funding for Wisconsin conservation corps programs and making an appropriation.

By Representatives Holperin, Loftus, Gruszynski, Medinger, Hamilton, Becker, Young, Neubauer and Fortis, cosponsored by Senators Cowles and Jauch.

To committee on Rules.

Assembly Bill 814

Relating to the wages paid to Wisconsin conservation corps enrollees.

By Representatives Holperin, Loftus, Gruszynski, Barca, Medinger, Neubauer, Becker, Bock, Barrett, Young, Wineke, Fortis, Hamilton, Linton and Rosenzweig, cosponsored by Senators Jauch and Moen.

To committee on Rules.

Assembly Bill 835

Relating to keeping certain individuals in family or group home situations and making an appropriation.

By Representatives Seery, Robinson, Medinger, Goetsch, Hasenohrl, Barrett, Grobschmidt, Van Dreel, Bock, Zweck, Gronemus, Becker, Carpenter, Junkermann, Barca, Williams, Magnuson and Boyle, cosponsored by Senators Lee, Andrea and Buettner.

To committee on Rules.

Assembly Bill 863

Relating to establishing a nursing incentive grant program, creating a council on nursing incentive grants, granting rule-making authority and making an appropriation.

By Representatives Robson, Loftus, Robinson, Bell, Neubauer, Van Dreel, Barrett, Seery, Krusick, Fortis, Shoemaker, Holperin, Zweck, Junkermann, Hasenohrl, Coleman, Notestein, Becker, Black and Carpenter, cosponsored by Senators Strohl, Chilsen, Cowles, Ulichny, Czarnecki and Van Sistine.

To committee on Rules.

Assembly Bill 864

Relating to child abuse and neglect reporting requirements.

By Representatives Bell, Notestein, Young, Huelsman, M. Coggs, Boyle, Clarenbach, Black, Fortis, Barrett, Robson, Neubauer, S. Coggs, Van Dreel,

Gruszynski and Prosser, cosponsored by Senators Chvala, Strohl, Risser, George, Moen, Helbach, Jauch and Feingold.

To committee on Rules.

Assembly Bill 882

Relating to investment of moneys in the state trust funds and sale of state trust fund loans and participations therein.

By Representatives Loftus, Neubauer, Potter, Van Dreel, Fortis, Carpenter, Gruszynski, Krug, Young, Hasenohrl, Barca, Notestein, Zweck, Black, Hamilton, M. Coggs, Robinson, Becker, Robson, Tesmer, Van Gorden, Rosenzweig, Linton and Seery, cosponsored by Senators George, Norquist, Te Winkle, Kincaid and Jauch.

To committee on Rules.

Assembly Bill 891

Relating to the procedure for nomination of candidates and statements of noncandidacy.

By Representatives Bock, Fortis, Gruszynski, Magnuson, Linton, Barrett, Seery, Underheim, Notestein, Junkermann, Young, Roberts, Neubauer, Becker, Robson, Hamilton and Boyle, cosponsored by Senators Lee, Chvala and Cowles.

To committee on Rules.

Assembly Bill 935

Relating to increasing the amount of the bond required by notaries public who are not attorneys.

By Representatives Fergus, Van Dreel, Hamilton and Radtke, cosponsored by Senators Chilsen and Te Winkle.

To committee on Rules.

Assembly Bill 952

An act relating to transfer of moneys between certain accounts within the Wisconsin election campaign fund.

By Representatives Barrett, Loftus and Carpenter, cosponsored by Senators Lee, Adelman and Czarnecki.

To committee on Rules.

COMMUNICATIONS

The chief clerk reports the following proposal correctly enrolled:

Assembly Bill 850

THOMAS T. MELVIN
Assembly Chief Clerk

State of Wisconsin
Department of State
Madison

To Whom It May Concern:

Dear Sir: Acts, joint resolutions and resolutions, deposited in this office, have been numbered and published as follows:

JOURNAL OF THE ASSEMBLY [May 5, 1988]

Bill or Res. No.	Enrolled No.	Publication date
Assembly Jt Res 115	----- 72	----- Not published
Assembly Jt Res 116	----- 73	----- Not published
Assembly Jt Res 117	----- 74	----- May 5, 1988
Assembly Jt Res 118	----- 75	----- May 5, 1988

DOUGLAS La FOLLETTE
Secretary of State

May 4, 1988

Honorable Thomas Melvin
Assembly Chief Clerk
Room 8 West, Capitol

Dear Chief Clerk Melvin:

With this letter, I am returning to you 1987 Assembly Bill 1016 (AB-1016), "relating to the Wisconsin retirement system, fixed retirement investment trusts and transferring funds and to dispute settlement procedure in local government employment", for possible further legislative action.

Enrolling: law and rules. Section 13.92 (1) (b) 3 of the statutes makes it a duty of the Legislative Reference Bureau (LRB) to enroll, as a service to the Chief Clerks of the Assembly and Senate, all measures passed by the Legislature. The law assumes that LRB will enroll the proposal "correctly", including the corrections required under Assembly Rule 36 and Joint Rule 56. Upon completion of the enrolling process, the Chief Clerk of the house in which a bill originates certifies that the bill has been correctly enrolled and submits it to the Governor for review. However, if it is found in enrolling that a bill contains a serious error, Assembly Rule 23 (3) provides:

Assembly Rule 23. COMMITTEE ON ASSEMBLY ORGANIZATION. (3) CORRECTIONS IN ENROLLING. Whenever in the process of enrolling the chief clerk or the legislative reference bureau discovers an error in a proposal which alters its real intent, this fact shall be reported to the committee on assembly organization. If the committee concurs with the judgment of the clerk or bureau, the committee shall introduce a joint resolution to recall the proposal for further legislative action.

History of Assembly Bill 1016. As 1987 AB-1016 made its way through the Legislature, the Assembly (Assembly Amendment 2) and Senate (Senate Amendment 1) agreed to conflicting versions.

During the April 1988 Extraordinary Session of the Legislature, a Committee of Conference recommended that both houses recede from their positions on the amendments and, instead, pass the bill originally introduced with the changes made by Conference Amendment 1. The report of the Committee of Conference was adopted by the Senate 29 to 3 (Senate

Journal 4/20/88, p. 831) and concurred in by the Assembly 90 to 9 (Assembly Journal 4/21/88, p. 1021).

The April 1988 Extraordinary Session adjourned on 4/21/88 pursuant to 1987 Senate Joint Resolution 69 (SJR-69). SECTION 2 of that joint resolution generally instructs the Chief Clerks to submit any enrolled bill "on which final action was taken during the extraordinary session" to the Governor not later than "the Friday occurring 2 full weeks from the day of final adjournment" of the extraordinary session (Friday, May 6, 1988).

The enrolling problem. It seems that the conferees on AB-1016, and the 2 houses in adopting the report of the conferees, assumed that the written bill, as affected by Conference Amendment 1, excluded "internal comparables" as a factor to be considered by an arbitrator. That assumption was in error. Conference Amendment 1 contains, both on page 35 (lines 4 and 5) and on page 36 (lines 21 and 22), the phrase: "and through negotiated settlements of labor disputes involving the same municipal employer".

The presence of that phrase in Conference Amendment 1 alters the real intent of 1987 AB-1016 as approved by the Legislature. Consequently, Assembly Rule 23 (3) requires me to return AB-1016 to your office and to call the problem to the attention of the Committee on Assembly Organization.

There may be other substantive problems and, in addition, minor clerical corrections which should be addressed in a redraft of AB-1016 if the Committees on Organization and the Legislature agree that further action must be taken before 1987 AB-1016 can be submitted to the Governor.

The Legislative Fiscal Bureau, in a memorandum dated 4/22/88 concerning its review of Conference Amendment 1 to 1987 AB-1016, identifies — beyond the "internal comparables" problem which prevents me from enrolling the bill — 3 substantive problems: 1) adjustment for state aid changes; 2) adjustment for federal aid changes; and 3) exclusion for children at risk expenditures.

Further action on AB-1016. Inasmuch as Assembly Rule 23 (3) suggests further action for any bill containing an error which alters its real intent, I believe that 1987 AB-1016 cannot be considered to be a bill "on which final action was taken during the extraordinary session". The May 6, 1988, date for submission of enrolled bills to the Governor does not apply to 1987 AB-1016. Having been reinstated by 1987 Assembly Joint Resolution 115 (AJR-115) and brought "before the legislature in extraordinary session convened, for the purpose of completing legislative action", AB-1016 remains reinstated until legislative action has, indeed, been completed.

I reach this conclusion in spite of the fact that both houses have adopted 1987 SJR-69, "relating to the final

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adjournment of the April 1988 extraordinary session” and have adjourned under that joint resolution (4/21/88; Assembly Journal, page 1022; Senate Journal, page 834). Unlike the adjournment of Floorperiod V of the regular session under SECTION 1 (2) (o) of the session schedule (1987 Enrolled AJR-1) and Joint Rule 83 (4), the adjournment of the April 1988 Extraordinary Session under 1987 SJR-69 does not provide for automatic “adverse disposition” of measures on which action remained incomplete.

On the other hand, further consideration of 1987 AB-1016 will require a temporary modification of the joint rules similar to 1987 AJR-115. Joint Rule 82 is very specific in its enumeration of the business to be considered by the Legislature during the “veto review session”, identified as Floorperiod VI of the 1987-88

session schedule. While it permits the Organization Committee of either house to introduce bills for the reconciliation of conflicts between 2 bills [Joint Rule 82 (2) (d)], it makes no provision for errors or conflicts internal to a single bill.

To return 1987 AB-1016, from enrolling, to the Assembly for further action requires approval by both houses of a joint resolution under Joint Rules 5 and 6 and Assembly Rule 23 (3). Such a joint resolution might also indicate the stage at which further consideration will resume; see Assembly Rule 73 (8).

Sincerely yours,
DR. H. RUPERT THEOBALD
Chief
Legislative Reference Bureau